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WESTERN DISTRICT OF WASHINGTON
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11-CV-01446-CMP

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF
WASHINGTON AT SEATTLE

michael francis moynihan jr.,

Plaintiff,

vs.

SNOHOMISH COUNTY SHERIFF'S
CORRECTIONS BUREAU,

Defendant,

Case No.: **11-CV-1446 TSE**

COMPLAINT
under 5 USC § 552(a)(6)

Freedom of Information Act (FOIA) COMPLAINT
arising under 5 USC § 552 (a)(6)

michael francis moynihan jr., *Citizen in Party, Plaintiff, Complainant*, submits this FOIA
- COMPLAINT arising under 5 USC § 552 (a)(6) in the United States District Court (USDC),
against the defendant, Component agency, SNOHOMISH COUNTY SHERIFF'S
CORRECTIONS BUREAU (SCSCB), 3000 Rockefeller Ave., M/S 509, Everett, Wash.

SCSCB (agency) is a lower federal administrative agency (executive branch) within
administrative law principles it was created, conferred, and limited by the Legislature (Congress)
in Revised Code of Washington at RCW 36.28 *et seq.* SCSCB is an "it," a "U.S. person" with
Tax Identification Number (TIN), 91-6001368 (*See* 26 CFR § 301.6109-1b). Component agency
is within the 2nd Congressional District and in "this" STATE OF WASHINGTON ("a" territory

No IFP / No ISS

as *other* property - Art. IV, Sec. 3, Cl. 2), which are situated in The State of Washington (Art. IV, Sec. 3, Cl. 1). Enacted in compliance with Article I §7 of the US Constitution. The following authorities establish and preserve this requirement: Art. I §8.18 & Article III § 1 of the Constitution; 4 U.S.C. §72; and direct authority by Congress by order is governed under 44 U.S.C. § 1505(a).

"An administrative agency is a creature of statute (Soriano v. U.S., 494 F2d 681, 683 (9th Circuit 1974)" And;

5 USC § 552 (f) For purposes of this section, the term--

(1) "agency" as defined in section 551(1) of this title [5 USCS 551(1)] includes any executive department, military department, Government corporation, **Government controlled corporation**, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and (2) "record" and any other term used in this section in reference to information includes- (A) any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format; and (B) any information described under subparagraph (A) that is maintained for an agency by an entity under Government contract, for the purposes of records management.

Relief: Complainant seeks a determination on failed performance for request of documents and information directly associated with C615176 (3 separate ORDERS OF COMMITMENT) according to directives within 20 days pursuant to 5 USC § 552 (a)(6)(ii). Thus, if on denial the USDC "shall notify" on "provisions for judicial review of that determination." Then, as governed by 5 USC § 552 (a)(4)(B), "On complaint, the district court of the United States [28 U.S.C. § 451]...in which the agency records are situated...has jurisdiction." The above case number originated from SNOHOMISH COUNTY DISTRICT COURT - CASCADE DIVISION (RCW 3.66), 415 E. Burke Ave, Arlington, Wash., (360)435-7700. Hence, SCSCB became the "holder" of those commercial presentments (3 ORDERS under one cause #), interpreter of, and is Component Agency involved in the deprivation of life, liberty, and property. Agency has "acted" without any agreement upon private Right alleged, and without providing any documented authority to act.

Prayer for relief here involves the acknowledgment request for Agency (SCSCB) regulations for Title 18 USC 3231 (controlling statute for criminal jurisdiction), and request under 5 USC § 552 (a)(6), both of which only mention that only the district court of the United

1 States (28 USC 451) shall have jurisdiction over C615176 ORDERS of incarceration within the
 2 Component Agency as extension of 3.66 and WA DOL 46.01.

3
 4 **Parties to this Complaint (APPEAL):**

5 *Complainant:* michael francis moynihan jr., *Citizen in Party*, (Currently unlawfully imprisoned
 6 at 3025 Oakes Ave, F106, Everett, Wash.); (domiciled at 441 Main Ave. S. #32, North Bend,
 7 Wash., (425)766-1613.

8 *Component Agency:* SNOHOMISH COUNTY SHERIFF'S CORRECTIONS BUREAU
 9 (SCSCB), 3000 Rockefeller Ave., M/S 509, Everett, Wash

10 **Statement of Claim:**

11 Complainant served (GR 3.1) several Freedom of Information Act (FOIA) requests upon
 12 above named SCSCB. The FOIA s' included (ATTACHED) within this FOIA APPEAL are: (1)
 13 SCSCB 3-4 (2010); (2) SCSCB 6-7 (2010); and SCSCB 1-14 (2011). The initial purpose of the
 14 FOIA s' was to establish limitation on jurisdictional authority with respect the processing or three
 15 separate ORDERS OF COMMITMENT following accusations of traffic violations (RCW
 16 46.01.*et seq*) by and through a Citation & Notice C615176. SCSCB met requests with silence
 with the exception at SCSCB 1-14 item #3 wherein a TIN was provided (91-6001368).

17 SCSCB has failed to "Provide submission...within" the 20 day time constraint "pursuant
 18 to the Act, under signature of someone that can hold agency to contract, official letterhead, and
 19 certify by as to affidavit of the original maintained in the office". SCSCB has failed to document
 whether requested documents / information exists or not.

20 SCSCB has (1) unlawfully interpreted ORDERS that were without signature (indorsed)
 21 or Complainant agreement; (2) opened up a debt account, has (3) unlawfully converted property
 22 into the compelled use of private funds; and has been (4) unlawfully using and disclosing an
 23 identifying number "linked" and created from a Social Security Administration number.

24 Any given statute that prescribes a departmental function, creates an obligation, or
 25 prescribes a penalty, must be implemented by regulations published in the Federal Register. This
 requirement is in the Federal Register Act, at 44 U.S.C. § 1505(a). Hence, SCSCB's authority is

1 limited to documentation as was and is being challenged by Complainant. By denying a
2 professional response SCSCB is acting as a *de facto* authority.

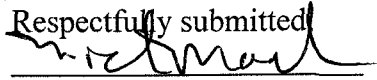
3 Primary purpose of Freedom of Information Act (5 USCS 552), which provides
4 generally for disclosure of agency records and information, is to open administrative
5 processes to scrutiny of press and general public. *Renegotiation Bd. v Bannercraft*
6 *Clothing Co.* (1974) 415 US 1, 39 L Ed 2d 123, 94 S Ct 1028 And;

7 Congressional purpose in enacting Freedom of Information Act (5 USCS 552) was to
8 establish general philosophy of full agency disclosure unless information is
9 exempted under clearly delineated statutory language. *Docal v Benninger* (1981, MD
10 Pa) 543 F Supp 38

11 The FOIA maintains nine exemptions, but SCSCB has failed to declare "denial" under
12 national defense or foreign policy, individual privacy interests, business propriety interests, and
13 the efficient operation of governmental functions. FOIA gives a Citizen "(1) the right to see
14 records about [one]self, subject to the Privacy Act's exemptions, (2) the right to amend that
15 record if it is inaccurate, irrelevant, untimely, or incomplete, and (3) the right to sue the
16 government for violations of the statute including permitting others to see [one's] records unless
17 specifically permitted by the Act."

18 Please give directives for submitting this COMPLAINT in district court of United States or send
19 to or file it on USDC s' own accord as governed by USC. Both 5 USC § 552 "for litigating" and
20 18 USC § 3231 "for prosecuting" (*See SCSCB 1-4 #1*) only mention the DCUS, Federal Court
21 for the state zone (28 U.S.C. § 451) as the proper forum (exclusively).

22 DATED this day 15th day of August, 2011

23 Respectfully submitted
24 
25 michael francis moynihan jr.
Plaintiff, *Citizen in Party*

26 *Name and address of Plaintiff:*
27 michael francis moynihan jr.
28 3025 Oakes F106, Everett, Wash.
29 or c/o 441 Main Ave. S #32
30 North Bend, Wash.

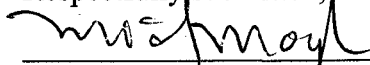
AFFIDAVIT / CERTIFICATE OF SERVICE

The undersigned hereby certifies under penalty of perjury under the laws of The State of Washington, that on the date noted below, a true and correct copy of FOIA COMPLAINT - APPEAL was placed into the SCSCB inmate mail services pursuant to GR 3.1, in postage paid envelopes for delivery and/or transmittal in the U.S. Mail to:

(1) *Component Agency*: SNOHOMISH COUNTY SHERIFF'S CORRECTIONS
BUREAU (SCSCB), 3000 Rockefeller Ave., M/S 509, Everett, Wash

DATED this day 18th day of July, 2011

Respectfully submitted,



michael francis moynihan jr.

SCSCB 3-4

C615176, 08-1-02956-0

Date: March 4, 2010

To: SNOHOMISH COUNTY SHERIF'S CORRECTIONS BUREAU, Public Records Rep.

From: Michael Francis Moynihan Jr.

Subject: information and specific documentation requested

Dear sir or Madam.

Pursuant to the provisions of the Washington State Freedom of Information Act, Public Records Act RCW 42.56 and 5 USC Section 552 as amended, I hereby make a formal request (SCSCB 3-4) for certified copies of the following originals:

1. Specifically, the document of evidence of establishment / incorporation / registration / creation / certification, or by any other description the establishment of, and the authority / license to collect fees and *payments* in The State of Washington or in "this state" (as defined in the RCW) following the exact spelling, case usage, and word orientation the entity: SNOHOMISH COUNTY JAIL or Snohomish County Corrections Bureau.
2. The document the unincorporated Snohomish County Corrections Bureau (SNOHOMISH COUNTY JAIL) entity relies upon for authority to overcome the command of Article 1, Section 10, of the U.S. Constitution or state constitution, as obligation of contract, to open an account in the name of Michael Francis Moynihan Jr.
3. The document including any and all TAX IDENTIFICATION NUMBERS (TIN s') used by this BUREAU for its ability to act as a commercial entity and participate in the unincorporated interstate banking association.
4. The document this BUREAU uses for regulation, or to claim *privilege & immunity* from 18 USC §242, 42 USC §1983, 42 USC §408 or Section 7 of Public Law 93-579 (a)(2)(B)(b), when disclosing, maintaining, or using SSN of Michael Francis Moynihan Jr. This document must show that it has been "in existence and operating before January 1, 1975."

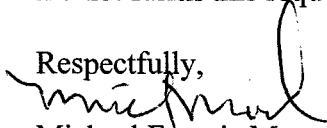
If any of the above documents do not exist please so state and certify that fact for each above instance by using such words as follows: I (name FOIA coordinator) certify that no such documents as above described in 1., 2., 3., 4., of request SCSCB 3-4 exist in the files of (state where the files are located).

Fulfill request with cover page and requested page of the document described.

Provide the submission to the above within the time constraints pursuant to the Act, under signature of someone that can hold the agency to contract, official letterhead, and certify by as to affidavit of the original maintained in the office (state where the record is maintained).

Do not fulfill this request with computer or otherwise generated hearsay.

Respectfully,



Michael Francis Moynihan Jr.
c/o 441 Main Avenue S. #32
North Bend, Wash.

This entity has 5 working days from receipt to disclose information requested. RCW 46.17

SCSCB 6-7

Date: June 7, 2010

To: SNOHOMISH COUNTY SHERIF'S CORRECTIONS BUREAU, Public Records Rep.

From: Michael Francis Moynihan Jr.

Subject: information and specific documentation requested

Dear sir or Madam.

Pursuant to the provisions of the Washington State Freedom of Information Act, Public Records Act RCW 42.56 or 5 USC Section 552 as amended, I hereby make a formal request (SCSCB 6-7) for certified copies of the following originals:

1. Specifically, the document as contract between this BUREAU and CASCADE DIVISION - SNOHOMISH COUNTY DISTRICT COURT. Document must outline all sentencing agreements between the aforementioned entities.
2. The document(s) provided as forms wherein Citizen may request process of service as governed under CR 4(c), "service by sheriff". Document(s) must include instructions, disclaimers, and fee delineations.
3. The document allowing the BUREAU to sell commissary items for profit or exchange in private currency, as named "inmate funds", overriding remedies to restrain such activity prohibited by RICO 18 U.S.C. §1962.

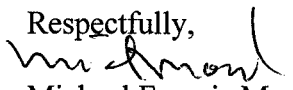
If any of the above documents do not exist please so state and certify that fact for each above instance by using such words as follows: I (name FOIA coordinator) certify that no such documents as above described in 1., 2., 3., of request SCSCB 6-7 exist in the files of (state where the files are located).

Fulfill request with cover page and requested page of the document described.

Provide the submission to the above within the time constraints pursuant to the Act, under signature of someone that can hold the agency to contract, official letterhead, and certify by as to affidavit of the original maintained in the office (state where the record is maintained).

Do not fulfill this request with computer or otherwise generated hearsay. (*Silence is consent under unincorporated interstate banking association, as well a violation*)

Respectfully,


Michael Francis Moynihan Jr.
c/o 441 Main Avenue S. #32
North Bend, Wash.

This entity has 5 working days from receipt to disclose information requested. RCW 46.17

SCSCB 1-14

Date: January 14, 2011

To: SNOHOMISH COUNTY SHERIFF'S CORRECTIONS BUREAU (SCSCB) - **Records**

From: Michael Francis Moynihan Jr., *Citizen in Party*

Subject: Document request & Information

Dear sir or Madam.

Pursuant to the provisions of the Washington State Freedom of Information Act, Public Records Act RCW 42.56 and/or **5 USC Section 552** as amended. I hereby make a formal request (SCSCB 1-14) for certified copies of the following originals:

1. The **document** that lists all SCSCB's enforceable regulations for Title 18 USC 3231 as published in the Federal Register pursuant to the Federal Register Act (44 USC 1505(a)).
2. The **document** authorizing enforcement of any regulations, codes, statutes, rules through SNOHOMISH COUNTY DISTRICT COURT - CASCADE DIVISION (lower district federal administrative agency - RCW 3.66) with and including SNOHOMISH COUNTY SHERIFF'S CORRECTIONS BUREAU (SCSCB).
3. The Tax Identification Number (TIN) used by SCSCB.

If any of the above documents do not exist please so state and certify that fact for each above instance by using such words as follows: I (name FOIA coordinator) certify that no such documents as above described in 1., 2., 3., of request SCSCB 1-14 exist in the files of (state where the files are located).

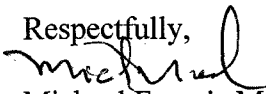
Fulfill request with cover page and requested page of the document described.

Provide the submission to the above within the time constraints pursuant to the Act, under signature of someone that can hold the agency to contract, official letterhead, and certify by as to affidavit of the original maintained in the office (state where the record is/isn't maintained).

Do not fulfill this request with computer or otherwise generated hearsay. Do not cut and paste excerpts from RCW. All documents must be published at 44 USC 1505 (a) for any lawful enforcement. No need to determine cost of something that doesn't exist.

"Silence" is consent under unincorporated interstate banking association, and will lead to appeal.

Respectfully,



Michael Francis Moynihan Jr.
c/o 441 Main Avenue S. #32
North Bend, Wash.

This entity has 5 working days from receipt to respond to information requested. RCW 42.56.520